

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

January 26th, 2007
Airport Plaza Hotel
1981 Terminal Way
Gulfstream Room
Reno, Nevada

Dr. Stewart asked for public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board Member, Brad C. Stewart, O.D., at 10:30 a.m. on January 26th, 2007, in the Gulfstream Room of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Present at the meeting were:

Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
Geoffrey F. Chiara, O.D., Board Member
George Bean, Board Member
Judi Kennedy, Executive Director
Robert A. Whitney, Deputy Attorney General

Also present at the meeting were:

Carla Mack, O.D.
Edward Hanigan, Esq., Counsel for Drs. Kopolow and Girisgen

Board Member, George Bean nominated Dr. Brad C. Stewart to serve as Board President. Dr. Sutton seconded the motion. The vote was unanimous.

Dr. Stewart welcomed Dr. Chiara to the Board.

Agenda Item 6. Dr. Stewart stated Dr. Mack had sent correspondence to the Board requesting her license be reinstated. The Board reviewed the November 17th, 2006, correspondence from Dr. Mack; the January 16th, 2007, correspondence from Dr. Mack's counselor, Tim Burge; and January 26th,

2007, correspondence from Dr. Mack. Dr. Stewart asked Dr. Mack if she wished to address the Board. Dr. Mack stated she wants to move forward, and is desirous of once again practicing optometry. Dr. Chiara inquired whether Dr. Mack had a practice opportunity. Dr. Mack responded she did not have an immediate opportunity. Dr. Stewart observed Dr. Mack had met the Board mandated requirements for reinstatement. Dr. Sutton moved Dr. Mack's license be reinstated. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 4. Complaint of Eugene F. Kortman against Drs. Kopolow and Girisgen. Dr. Stewart noted the presence of Edward Hanigan, Esq., counsel for Drs. Kopolow and Girisgen. Dr. Stewart summarized, stating that at the Board's prior meeting, the Board had considered the complaint filed against Drs. Kopolow and Girisgen. The Board determined the complaint had merit in that there was no partition or wall between Drs. Kopolow and Girisgen's practice and that of the lessor.

Dr. Stewart acknowledged the members had received drawings depicting the proposed changes to the physical layout of the premises subleased by Drs. Kopolow and Girisgen. A lengthy discussion of the drawings ensued. Dr. Stewart stated the law requires a wall or partition, and that while the revisions were an improvement, they did not satisfy the requirements of the law. Dr. Chiara commented shifting furniture did not comply with the requirement of a wall or partition. Mr. Hanigan stated he believed the modifications were compliant with the spirit of the law, which he believed was to make the public aware the subleased premises were separate from that of corporate entity. Dr. Stewart reiterated the law required a wall or partition, and expressed his concern that if the requirement were not met, the Board would have to revisit the issue. Dr. Sutton agreed. Dr. Chiara moved the matter be continued for further consideration at the Board's next regular meeting. Dr. Sutton questioned whether it should be continued to the March meeting since the meeting would be held by phone. Mr. Hanigan stated he would submit revised drawings in sufficient time for the Board to review them prior to the meeting. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 3. The minutes of the Board's November 3rd, 2006, meeting were presented for

approval. Mr. Bean moved the minutes be approved as drafted. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 7. The complaint of Katherine Martin-Martyr against Drs. Kopolow and Girisgen. Mr. Hanigan stated the doctors had requested he represent them on this matter. Dr. Stewart outlined the four points of the complaint: 1) office staff had violated Ms. Martin-Martyr's privacy; 2) the prescription was incorrect; 3) Ms. Martin-Martyr had been unable to reach the doctor regarding her complaint; and 4) Ms. Martin-Martyr disagreed with the doctor's advice to try to adjust to the glasses as prescribed.

After discussion and review of the documents the Board determined: 1) based on the allegations of the complaint and the response of the doctors, Ms. Martin-Martyr's privacy had not been violated; 2) Ms. Martin-Martyr's visuals were improved by the prescription; 3) her medical records indicate she was seeing better; and 4) there was no documentation verifying this allegation of the complaint. Dr. Sutton noted there had been a refund and apology given to Ms. Martin-Martyr. Dr. Sutton moved the complaint be dismissed based on lack of merit. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 5. Accusation of Judi D. Kennedy against Dr. Maloney. Dr. Stewart noted Dr. Maloney is contesting the accusation, she is represented by Hal Taylor, Esq., and that a request for a formal hearing had been filed. After discussion, the Board determined it would conduct the hearing, and that the hearing would be set for May 18th, 2007.

Agenda Item 8. Complaint of Max Railsback against Dr. Pressley. Dr. Stewart outlined the allegation of Mr. Railsback's complaint that Dr. Pressley's advice that he purchase different contacts, was a bait and switch designed to increase his costs. It was noted Mr. Railsback had declined to purchase the contacts recommended by Dr. Pressley. Dr. Sutton opined, and Dr. Chiara agreed, Dr. Pressley had exercised good clinical judgment in counseling Mr. Railsback. Dr. Chiara moved the complaint be dismissed based on lack of merit. Dr. Sutton seconded the complaint. The vote was

unanimous.

Agenda Item 9. Complaint of Francisco Monarrez against Dr. Tran. Ms. Kennedy advised no timely response to the complaint had been received. Dr. Sutton moved a formal accusation be filed. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 10. Accusation of Judi D. Kennedy against Dr. Johnson. The Board reviewed the response of Dr. Johnson, and noted he had remitted the proposed administrative fine. Mr. Bean moved the accusation be dismissed based on resolution. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 11. Accusation of Judi D. Kennedy against Dr. Vo. The Board reviewed the response of Dr. Vo, and noted she had remitted the proposed administrative fine. Mr. Bean moved the accusation be dismissed based on resolution. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 12. The Board approved the payment of the annual ARBO dues and the subscription to the Personalized Bill Tracking Service through the Legislative Counsel Bureau.

Dr. Stewart asked for public comment. There was no public comment.

The Board confirmed a regular meeting had been scheduled for Friday, March 23rd, 2007. The meeting will be held via telephone conference.

The Board scheduled a regular meeting for May 18th, 2007, in Las Vegas.

Mr. Bean moved the meeting adjourn. Dr. Sutton seconded the motion. The meeting adjourned at 11:39 a.m.